

REMARKSI. Introduction

In response to the Office Action dated November 19, 2007, claim 7 has been cancelled, and claims 1 and 9 have been amended. Claims 1-6 and 8-16 remain in the application. Re-examination and re-consideration of the application, as amended, is requested.

II. Claim Amendments

Applicants' attorney has made amendments to the claims as indicated above. These amendments were made solely for the purpose of clarifying the language of the claims, and were not required for patentability or to distinguish the claims over the prior art.

III. Interview Summary

On February 5, 2008, an interview was conducted between the inventor, Erin Sibley, attorney for Applicant, Jason S. Feldmar, Examiner Rabovianski, and Supervising Examiner Vivek. Applicants appreciate the time and effort taken by the patent office to discuss the present application. Proposed amendments to the claims (as indicated above) were discussed in view of the Croy reference. Agreement was reached in that the above amendments likely overcome Croy.

IV. Drawing Objection

In paragraph (2) of the Office Action, Figure 3 was objected to for failing to show items 220 and 254. Applicants note that the specification discusses items 220 and 254 with respect to FIG. 13 (see paragraphs [0096]-[0099]) and not with respect to FIG. 3. Applicants also note that the original FIG. 13 clearly has items 220 and 254 labeled.

Accordingly, Applicants submit that no new or corrected drawing sheets are due at this time. Applicants further respectfully request withdrawal of the objection.

V. Prior Art Rejections

In paragraph (2) of the Office Action, claims 1-16 were rejected under 35 U.S.C. §102 as being anticipated by Croy (US 6,476,825).

Specifically, independent claims 1 and 9 were rejected as follows:

Regarding claim 1, Croy teaches:

A method for providing broadcast video programming (col. 7 lines 29 - 31 - "broadcast information as well as individual information may be supplied to the base station 100 and the PTVN hand-held device 200"), comprising:

receiving video programming (see abstract lines 8-11 - "the hand-held remote device further including a display component for displaying at least a portion of the external information received from the data interface, the display component also for rendering

video content in the video programming signals";

encoding the video programming into a vertical blanking interval and unused Active lines of a television channel (col. 3 lines 57-58 - "Using conventional techniques, the data encoded in VBI can be extracted and provided to a microcontroller 130");

and broadcasting the television channel and encoded video programming (col. 7 lines 9 - 11 - "a user of the remote device 200 can scan through the available television channels (by channel increment/decrement or input of a channel number"; see also Fig. 2/item 200).

Applicant traverses the above rejections for one or more of the following reasons:

- (1) Croy fails to teach, disclose or suggest a user device receiving normal over-the-air broadcasts;
- (2) Croy fails to teach, disclose or suggest a user device that contains tuning hardware configured to receive the normal over-the-air broadcasts; and
- (3) Croy fails to teach, disclose or suggest a user device directly receiving broadcasts into the device.

Independent claims 1 and 9 are generally directed to receiving broadcast video programming in a user device. More specifically, video programming is encoded in the vertical blanking interval (VBI) and unused Active lines of a television channel. The television channel and encoded video programming is broadcast and received in a user device. The user device is configured to receive the normal over-the-air broadcasts and to pass the encoded video programming. In addition, the user device has VBI software that receives output from the tuning hardware and decodes the encoded video programming. Further, the user device has decompression software that decompresses the decoded video programming and outputs analog audio and video signals to a screen and speaker of the user device.

In view of the above, it can be seen that the user device directly receives and tunes the broadcast television channel to receive video programming encoded in the VBI of the broadcast. Such a teaching is distinctly and uniquely nonobvious over the cited prior art.

Rather than teaching the user device itself receiving and tuning the broadcast television channel, Croy explicitly requires a base station and a hand-held remote device in communication with the base unit (see Croy Abstract and entire specification). Croy's FIG. 1 illustrates that the base station 100 contains the tuner 120 and the VBI decoder 122. FIG. 2 illustrates the remote device 200 which clearly lacks a tuner. Alternatively, as illustrated in FIG. 54, the base station does not include the tuner and the information is delivered to the base station over a conventional modem 136 (see col. 10, lines 20-26) and no information is transported via the VBI (see col. 10, lines 20-22). Under FIG. 54, the remote device is merely used to navigate a TV schedule (see col. 10, lines 27-34).

As can be seen throughout Croy, a base station is absolutely and positively recited and required. Without the base station transmitting and tuning the information, the remote device would not work nor could it be used to view any information. Such a teaching is wholly and completely in opposite to the presently claimed invention wherein the user device itself receives broadcast video programming that is encoded in the VBI. Further, the presently claimed invention contains tuning hardware to pass the encoded video programming and VBI software that decodes the video programming and decompresses the video programming.

The limitations in the independent claims were previously set forth in dependent claim 7. The tuning hardware limitation of prior claim 7 was rejected based on tuner 120 in FIG. 1 and col. 3, lines 51-52. However, as stated above, FIG. 1 illustrates base station 100 and not the remote device. After Croy's base station decodes and descrambles the data, it sends to data to the remote device 200 (see col. 3, lines 62-67).

To reject the VBI software limitation of prior claim 7, the Office Action relied on col. 3, lines 54-55 - the VBI decoder 122 coupled to tuner 120 of FIG. 1. Again, such a VBI decoder 122 is clearly within the base station and not present in the remote device as presently claimed.

The remaining rejections of claim 7 also rely on elements that exist in the base station and not the remote device.

In view of the above, it can be clearly seen that Croy is directed towards a base station performing various operations and transmitting decoded and descrambled information to a remote

device. However, such a teaching serves to teach away from the presently claimed invention which explicitly requires the user device itself to receive the broadcast video programming that is encoded in the VBI and further contains tuning hardware, VBI software, and decompression software.

Applicants further note that as amended, the present application is directed towards receiving terrestrial (rather than satellite broadcasts) and video programming is actually viewed by the user on the display device. In this regard, it is not merely video programming information but is video programming such as a channel (e.g., as in claim 4). Further, the tuning hardware in the receiving device is used to decode the video programming from the VBI. Such unique features and claim limitations are lacking from the cited references.

Moreover, the various elements of Applicants' claimed invention together provide operational advantages over Croy. In addition, Applicants' invention solves problems not recognized by Croy.

Thus, Applicants submit that independent claims 1 and 9 are allowable over Croy. Further, dependent claims 2-6, 8, and 10-16 are submitted to be allowable over Croy in the same manner, because they are dependent on independent claims 1 and 9, respectively, and thus contain all the limitations of the independent claims. In addition, dependent claims 2-6, 8, and 10-16 recite additional novel elements not shown by Croy.

VI. Conclusion

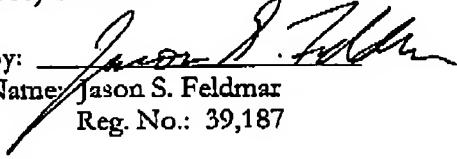
In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

GATES & COOPER LLP  
Attorneys for Applicant(s)

Howard Hughes Center  
6701 Center Drive West, Suite 1050  
Los Angeles, California 90045  
(310) 641-8797

Date: February 19, 2008

By:   
Name: Jason S. Feldmar  
Reg. No.: 39,187

JSF/

G&C 147.116-US-I1